

Review and Audit of the Sunland Park Police Department March 2017



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OVERVIEW REPORT OF THE CITY OF SUNLAND PARK POLICE DEPARTMENT

Background

The City of Sunland Park, here in after mentioned as the “the City” was incorporated on July 13, 1983 and encompasses over 11.6 square miles and is located south of Las Cruces on Interstate 25 in Dona Ana County, New Mexico. The City borders Mexico and the state of Texas. It borders the City of El Paso Texas to the east and the community of Santa Teresa on the northwest. The current population according to the 2010 census is 14,106 with an estimated population of 15,400 in 2014.

Police Department

The Police Chief, an exempt Department Head, has control, oversight and supervisory responsibility for the department. The department is currently authorized the following positions:

- Police Chief
- 2 lieutenants
- 3 sergeants
- 2 detectives
- 13 patrol officers
- 1 executive assistant and 1 records clerk

The Police Department utilizes the Messila Valley Regional Dispatch Authority for its dispatch and 911 services through a contract.

In November of 2016 in an effort to review the current operations of the police department, the City hired FKR Consulting to achieve this goal. The City entered into a contract with FKR Consulting and agreed to the following scope of work:

- a) A review of all Sunland Park Police Department (SPPD) policies and procedures.
- b) An audit of the SPPD procedure regarding issuing traffic citations, including conducting an evaluation of a random sampling of previously issued citations to determine whether SPPD officers are properly following the procedure.

- c) An audit of the SPPD evidence collection procedure, including conducting an evaluation of a random sampling of prior cases to determine whether SPPD officers are properly following the procedure.
- d) An audit of the SPPD internal affairs procedure, including conducting an evaluation of a random sampling of internal affairs matters to determine if the procedure is being followed properly.
- e) Interviews of SPPD personnel to determine whether personnel are following the policies and procedures.
- f) Providing a final written evaluation of the audit findings to the City.
- g) Providing additional updates to the City Manager/Mayor as may be requested regarding Contractor's findings.

Review existing Standard Operating Procedures (SOP)

We were provided with the police department policy manual. The Standard Operating Procedures (SOP) were adopted by the City in February 2016. During the review, we requested documents that relate directly to the policy and procedures manual. The following items were requested for review:

- Evidence procedures
- Use of Force reporting and training
- Training for certified officers
- Field Training documents for new hires
- Hiring process, Job Descriptions/personnel and scheduling
- Weapons/firearms training
- Monthly and yearly reports
- Open Felony cases

SOP Commentary:

For the purpose of this audit, we reviewed the policy manual. The manual is dated February 2, 2016. The manual is bound and lacks a table of contents which makes it difficult to locate and review specific policies. The manual covers all aspects of the police department operations including areas of high risk/liability. We would recommend

that a thorough review of the SOP manual be conducted to ensure that the policies are applicable to the Sunland Park Police Department.

Records:

Police records are maintained by the executive assistant and a records clerk. During the audit the records were being transferred to a locked room. The current year records are in the administrative office. Officers and detectives can go into the office and remove the original reports whenever they need to. Detectives are also allowed to keep original records while they are actively working cases. They turn in all the original reports or documents when they complete the case. Municipal Court sends all arrest warrants to the police department for service. Municipal warrants are not entered into NCIC and all originals are kept in a file located in the administrative office.

Records Commentary:

All records need to be in a locked and secured location. Only the executive assistant and the records clerk should have access to the records. The department should develop a sign out process if an officer or detective needs access to the original records. Detectives should not maintain any original records while actively working the case. If they need any documents they should have copies of the records and not the originals. If during an active investigation, a detective or officer secure an original document (written statement, confession, lab reports, etc...) they should turn in the original as soon as they reasonably can in order to avoid the loss of that document. The process and time frame for officers to complete and submit reports for approval needs to be spelled out so all officers, supervisors and records department understand the policy.

The police department should not be the depository for current municipal court warrants. The chances of a warrant that has been cancelled or served without the knowledge of the arresting officer is a liability. The municipal court needs to make arrangements for the Mesilla Valley Dispatch Authority to enter the warrants into NCIC as is done with all the other warrants from other courts in the County. All outstanding warrants should be maintained by an agency that entered the warrants and has staff on duty 24 hours a day 7 days a week.

Traffic Citations:

All citations are the approved Uniform Traffic Citation and according to the policy are issued by the on-duty supervisor and logged into a citation log.

Traffic Citations Commentary:

It is recommended that all citation books be signed out by the executive assistant. That log should be secure as well as all new citation books. It is also recommended that a system be put into place where all citations are reviewed and tracked.

Property and Evidence Control:**Evidence procedures:**

The evidence custodian performs these duties as an additional assignment. Currently the detectives are the evidence custodians. The current process for the handling of evidence requires the officer to package the evidence in the proper container and placing it in a locker. The officer is required to fill out the property/evidence form and attach one copy to the evidence container and the other to the incident report. Some officers then send an e-mail to the detectives advising them that they placed evidence in the lockers. The detective checks the lockers and then places the evidence in the evidence room after logging it into the book/computer. Prior to February of 2016 all evidence was logged into a book (hard copy). In February of 2016 they changed to logging all items into an excel spread sheet on a computer located in the evidence room. Destruction or disposition of evidence has not been done in a timely manner; it appears there has not been a destruction/disposition order obtained since 2014. Return of found property is not being done in a timely manner.

Evidence Procedures Commentary:

The Evidence function is a critical function of the department. The department must take immediate steps to conduct a complete item by item, case by case review of all evidence and property in possession and control of the department. After a complete and thorough review of all evidence and property an order for destruction must be secured and then all evidence and found property must be returned or destroyed in a manner consistent with best practices and New Mexico State Statutes. The practice of retaining found property and unneeded evidence for long periods of time should be discontinued.

The content and requirements of the evidence policy need to be updated and then it must be meticulously followed. One suggestion would also include a better numbering system for the logging and storage of evidence and property along with separation of misdemeanor, felony, guns and drugs to better track all the items. The process utilized for submitting evidence to the crime lab for analysis needs to be more clearly defined. The supervisor/chief must conduct regular inspections and audits to insure compliance with the evidence SOP's.

A sample of ten cases were selected from 2013 to 2016 to follow the process from collection, reporting and locating the evidence in the evidence room. Of the ten cases sampled, we could not locate three of the original case files. There was also one report with no evidence sheet. Of the ten cases, we were able to locate nine items in the evidence room and one appeared to be at the New Mexico State Crime Lab. The evidence room has a separate room for narcotics and weapons that is secured from the all the other evidence.

A complete audit of all the evidence and room must be completed as soon as possible. This will be a significant investment in manpower/hours but must be a priority. Orders for destruction/return property need to be completed as soon as possible. See attached photos of the evidence storage.

Training for Officers

The department has an obligation to provide a professional standard of law enforcement training for the City of Sunland Park. It is essential that all employees are properly trained. This begins at the entry level with required basic training and continues throughout the employee's career. The policy requires that all officers receive the basic training required by the New Mexico Law Enforcement Academy (NMLEA). The Department has adopted a 13 week 3 phase field training program modeled after the San Jose Police Department FTO program. All new hires are required to complete the FTO program in a satisfactory manner.

Training for officers Commentary:

The department needs to develop a system for tracking all the law enforcement officers as well as civilian employees training. The system should include copies of all requests, certificates, and a log of all training that is required by the NMLEA. It appears that all of the officers have received the mandatory training for the 2014-2015 biennium cycle.

A training plan should be developed for each officer to provide for the professional development of the employee and the needs of the department.

The FTO program manual needs to be reviewed and should be updated to include one program for new officers with little or no experience and one for lateral officers with previous experience. A review of three recent new hires showed that officers were in the FTO program from 3 weeks to 7 weeks and 9 weeks. The FTO program needs to be monitored by the supervisors to ensure all new officers are receiving the proper training prior to being released from the program.

Weapons

The policies related to firearms and other weapons systems needs to be reviewed as soon as possible. Based on the review of documents provided and information from staff members, the actual practice of the department was inconsistent with the policy. Officers, Sergeants, Lieutenants and the Chief needs to review the policy to ensure compliance with all aspects of the policy. It appears that all officers are currently up to date on handgun qualifications.

The NMLEA requires that prior to March 1st of every year that the Chief submit form LEA-83 certifying that all officers have met the annual day and night qualifications as required by the NMLEA. The LEA-83 was not submitted until November 21, 2016.

A list of all weapons including Tasers was requested and was received. Based on that list a complete visual inventory of all department owned weapon systems needs to be completed as soon as possible. See the attached list of weapons and Tasers as well as their current location provided to us.

Weapons Commentary:

The department does not have a current firearms instructor. All the required training and documents need to be kept up to date and in a central location for review. It is also recommended that even though the policy only requires one qualification per year that the department implement a program that includes at least quarterly firearms training and qualifications.

The weapons systems utilized by officers and the training they receive relative to those systems should be considered high risk and a priority of the department. Firearms training, qualifications, records keeping are frequently discussed and examined as part of use of force complaints and civil litigation.

The policy is generally appropriate for the systems used by the department but it appears that the policy may not be clearly understood or followed. The department should take immediate steps to determine which weapons systems and components are specifically authorized and what training and proficiency is needed to receive the Chief's authorization/reauthorization to carry a particular system.

Specific instructors must be identified, credentials reviewed and duties assigned.

Training must be approved, conducted, and recorded in accordance with policy and instructor training requirements.

The consequences of allowing officers to use weapons systems for which the Chief cannot verify that they were properly trained on are just too great in this day and age. A separation of duties is important to ensure that all officers receive appropriate training by qualified instructors in accordance with both policy and NMLEA Board rules.

Some review and discussion should be had on the weapons systems authorized by the department, currently there is not an established standard. The inventory and inspection process for all weapons must be established and implemented. The accountability of the department ammunition must be improved and considered part of the firearms program.

Department Equipment

The department currently provides all equipment to the officers which includes take home vehicles, firearms, Tasers and other duty related items. The department currently maintains a fleet of 23 vehicles. 9 of the vehicles currently have over 100,000 miles and the newest vehicles are 2014 Dodge Chargers. The department currently has 26 Glock handguns, 15 AR-15 rifles, 8 FN P-90 rifles, 1 shotgun, 3 Bean Bag weapons, and 22 Taser XP-26 and XP-26 P ECW.

Department Equipment Commentary:

The City and the Department needs to do a complete inventory and inspection of all City owned equipment to ensure all equipment is accounted for. The fleet of vehicles needs to be reviewed. Eight of the vehicles have more than 100,000 miles and no vehicles have been purchased since 2014. The City and the Department need to develop a replacement plan and a preventive maintenance plan to ensure the fleet is in good condition and the vehicles are maintained in a safe manner.

All firearms need to be inspected by a qualified armorer to ensure the weapons are in good working condition. The City and the Department need to develop a replacement plan for all weapon systems to ensure they are safe to be issued to the officers.

Use of Force Reporting

Documents relating to the use of force reporting were requested for 2014, 2015 and through May of 2016. There were two reports in 2014, 13 in 2015 and 9 in 2016 that were provided for review.

Use of Force Reporting Commentary:

In almost all the cases that were reviewed documents were missing and the use of force reports were incomplete. Use of force occurs as part of police work and anytime use of force is utilized it must be thoroughly documented and reviewed by the supervisors and the chief to make sure it falls within the policy and procedures. All officers need training on the use of force reports along with the supervisors. The Lieutenants and the Chief need to review all use of force incidents and document the review and any action that needs to be taken.

Internal Affairs (Investigation of employee misconduct)

A list of all Investigations from 2014 was requested. The documents were just the total number, classification, and the deposition. There did not appear to be a system in place for tracking misconduct complaints filed against employees.

Internal Affairs Commentary:

A complete review of the policy and procedures for conducting investigation into employee misconduct must be reviewed. A tracking system must be in place to track the status of all investigations. The department should assign investigations of minor infractions of misconduct to in-house investigators. The investigations must be conducted in a professional manner and reports completed in a timely manner. It would be recommended that serious violations of misconduct or criminal investigations be turned over to outside agencies or investigative firms.

Crime Statistics and data:

The department currently uses a Records Management System(RMS) by Spillman Technologies called Nova. This system is a cloud based reporting system. Nova has only been in use for a few months so the officers are still learning the program. Prior to switching to Nova, a system that is maintained by Mesilla Valley Regional Communications called PRIOR was used. It appears that the local access to PRIOR crashed several months ago and the department was forced to implement a new RMS. Statistical information for 2015 and January through September of 2016 was requested for part of this review.

Crime Statistics and Data Commentary:

The Department was unable to provide the data for 2015 and 2016 as requested due to the PRIOR RMS going down and the switching to the new RMS NOVA. A limited amount of information was received on arrests, citations and calls for service. It is recommended that the Department complete monthly reports and present this to the governing body and copies be provided to the public as well as the officers.

Interviews with police department personnel to determine if the policies and procedures are being followed were completed.

On December 13 and 14, interviews were conducted of all the employees of the police department except for one officer. A standard list of questions for employees was used and employees could discuss any concerns that they had. Employees were advised that these interviews were confidential in nature. These interviews were not recorded.

Interviews with Police Department personnel Commentary:

It appeared that all the employees were forthcoming with their responses along with their concerns that they had about the department. Based on the interviews the following are the major concerns that were expressed.

1. Lack of leadership at the command level of the department.

2. Lack of accountability. Favoritism on assignments, equipment, and investigation of misconduct and or policy violations.
3. Lack of uniform standardization and equipment and vehicle inspections.
4. Lack of communication from the command staff and lack of feedback from the command staff.
5. Lack of training both for new officers and inconsistency in assigning training to officers. Lack in background investigations for new employees and basically not following the FTO process for training both non-certified and lateral entry officers.
6. Reports and paperwork not being completed and submitted in a timely fashion.
7. Low salaries and the need to improve the retirement plan.
8. Better accountability and availability of overtime.
9. New vehicles, firearms, Tasers and other essential equipment.

Recommendations:

Critical Issues:

1. A thorough review of all the current sworn officers training files for 2015-2016 to make sure officers are compliant with the New Mexico Law Enforcement Academy requirements.
2. A thorough review of all the current sworn officers firearms training and qualifications are up to date with current standards.
3. The Evidence Room must have a complete inventory and a comprehensive audit must be conducted as soon as possible. The assignment of a full-time evidence custodian should be considered while the inventory and audit are conducted. Once the Inventory and Audit are conducted the evidence custodian must begin to work with the District Attorneys' Office in an effort to determine what evidence is needed and what evidence can be returned and or destroyed pursuant to New Mexico State Statues. This function will be very time consuming and manpower intensive but must be

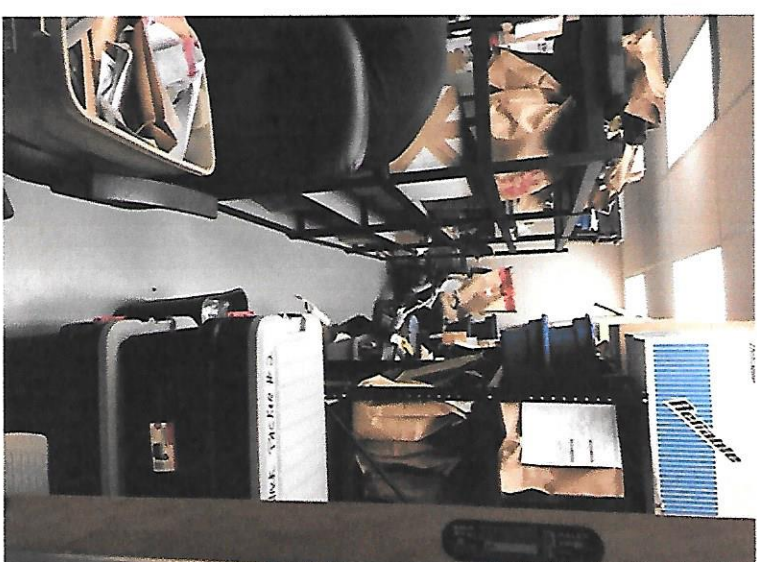
completed as soon as possible. An evidence tracking system must be implemented as soon as possible.

4. An inventory must be completed for all vehicles, firearms, non-lethal weapons, computers, and other police equipment and the current location of that equipment. All officers should have signed inventory of all equipment that has been issued to them.

Other Recommendations:

1. Scheduling of officers needs to be based of calls for service and needs of the community.
2. Monthly reports must be completed so that the command staff can make decisions on manpower allocation based of crime rates and calls for service.
3. Uniform policy must be reviewed and make sure officers are in compliance and uniforms are standard throughout the department
4. Detective division needs to track and follow-up on cases.
Detectives need guidance on felony call outs and all officers need to be familiar with the call out procedure.
5. Hiring process must be reviewed and updated if needed and then make sure the procedure is followed.
6. A complete inventory of all vehicles assigned to the police department needs to be completed. A replacement program needs to be implemented along with a preventive maintenance to insure all vehicles are in safe working condition.
7. A review of all sworn officers training records for 2016-2017 needs to be completed. A schedule of training that is needed for the 2016-2017 NMLEA Biennium should be completed and insure that the training is provided for all sworn officers by certified instructors. All training attendance and records need to be maintained in the officers' training file.

Evidence Room



Evidence Room



Evidence Room

